
 <p style="text-align: center;">WEST VIRGINIA DIVISION OF JUVENILE SERVICES</p>		<u>POLICY NUMBER:</u>  165.00	<u>PAGES:</u> <p style="text-align: center;">4</p>
<u>CHAPTER:</u> Administration and Management	<u>REFERENCE AND RELATED STANDARDS:</u> WV Code Chapter §§ 49-2-903 & 49-5-101; ACA 3-JTS-1E-01 thru 1E-07; ACA 3-JDF-1E-01 thru 1E-08; ACA 3-JCRF-1E- 01 thru 1E-08		
<u>SUBJECT:</u> Offender Records			
<u>DATE:</u> January 1, 2016			

PURPOSE

It is the policy of the West Virginia Division of Juvenile Services to ensure establishment, upkeep, disposition, transfer, confidentiality, release and security of offender records.

CANCELLATION

This policy has been revised and supersedes Policy 165.00 dated July 1, 2014.

APPLICABILITY

This policy applies all Division of Juvenile Services' facilities and centers.

DEFINITIONS

1. **Archived File** – The paper file for former residents and/or participants that have not been stored electronically.
2. **Media Files** – A file produced from archived files as a result of an offender's re-entry into DJS custody.
3. **Offender** – For the purposes of this policy, offender shall mean any resident in DJS custody or participant in DJS community based programs or former resident or participant.
4. **Offender File** – An electronic file which includes a medical/mental health file and possibly a media file for offenders.
5. **Redacted** – To edit or revise by 1) copying a document, 2) blacking out information to be edited on the copy and 3) recopying the redacted document. The recopied document is the document that may be released.

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PROCEDURE

1. **Offender File:** The file established for each offender upon intake to the West Virginia Division of Juvenile Services. All documents as specified in Attachment #1 - DJS Resident File Specifications and Attachment #2 – DJS Community Based Services File Specifications, will be entered and/or uploaded to the Offender File.

- a. Offender Information System

- i. Upon intake, search for the offender's name in OIS to determine if the offender has previously been issued an Offender number. If not, begin a new intake.
- ii. The offender's name shall be listed as on the court order. Upon receipt of offender's birth certificate, that information will be listed as an alias.
- iii. Photographs of offender's face must be uploaded.
- iv. Descriptions of any identifying marks (i.e. tattoos, birthmarks, brands and scars) are to be entered into OIS under Scars, Marks, and Tattoos.

- b. The contracted medical/mental health vendors will use OIS to enter any offender information.

- i. Medical information, as applicable, about the offender will be maintained according to National Commission on Correctional Health Care (NCCHC) guidelines.
- ii. Off-site medical care information and documentation will be maintained in OIS.

2. Release of Offender Records

- a. Records and files maintained by the Division on individual offenders, including psychological, treatment records and medical records, shall, upon receipt of a notarized written request, (Attachment #3) be released to:
 - i. The former offender (if 18 or older);
 - ii. The child's legal parent or guardian; or
 - iii. The child's attorney.

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- b. Any document contained in the record of the offender whose record is requested that includes the name of another offender will have the other offender's name redacted prior to release.
- c. Payment for the record request:
 - i. The cost of paper copies will be thirty cents per page.
 - ii. The cost for a digital copy will be \$10.00.
 - iii. Upon request, the record may be picked up by the requesting person at the Division of Juvenile Services Central Office, 1200 Quarrier Street, Charleston, WV 25301.
 - iv. Any record not picked up in person will be sent via United States Postal Service, certified, Return Receipt Request.
 - v. Payment for the record may be made by personal check or money order payable to the Division of Juvenile Services at the time of pick-up or prior to mailing.
- d. Records and files maintained by DJS facilities on individual offenders, including school records, psychological evaluations, treatment records, and medical records, shall be released to other state agencies, schools and treatment facilities and organizations only with:
 - i. A court order,
 - ii. Written, signed consent to release from the offenders' legal parent or guardian,
 - iii. Written signed consent to release from an offender who is 18 or older, or
 - iv. Written signed consent from the Director of the Division of Juvenile Services.
- e. A copy of the court order or written consent to release must be uploaded into the offender's file with a description of all records subsequently released.
- f. Anything documented about an offender is a "record" and subject to disclosure.

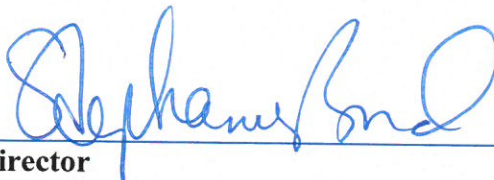
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- g. Any request received from an offender, his/her parent or from his/her attorney while any lawsuit brought by the offender or his/her parent is possible or pending against the Division or any of its employees will be referred to the Attorney General's Office for reply.
 - h. Court orders requiring the release of records and subpoenas shall be honored. However, any facility staff who receives such an order or subpoena shall notify the Facility Superintendent or Director who shall then notify the Division's Legal Department.
 - i. Any questions requiring an interpretation of this Policy or regarding the Freedom of Information Act shall be referred to the Division's legal department.
 - j. Refer to Policy 143.00 – Confidentiality of Information for all release of information requests.
- 3. For standardization purposes, the altering of any format to any Division policy attachment is prohibited, other than to complete the information required on the form itself.
 - 4. Each facility will adopt this policy in its entirety and no Operational Procedure will be developed.

RIGHTS RESERVED

The Director reserves the right to modify, suspend or cancel any provision herein in part or entirety, without advance notice, unless prohibited by law.

APPROVED:


Director

1/1/16
Date

DJS Resident File Specifications

Documents to be uploaded to OIS and where you are to upload them:

FACILITY MANAGEMENT

Drug Tests:

Drug Test Results if Positive

Grievances:

Resident Grievance Forms (copy of original with responses)

Resident Grievance Appeal Information

Disciplinary Hearings:

Notice of Charges/Receipt of Incident Report/Waivers (Resident signed copy)

Disciplinary Hearing (Resident signed copy)

Resident Hearing Appeal Submission

Director Appeal Decision

Evidence (pictures)

Video/Audio Recordings

Incident Reports:

Emergency Restraint Chair Authorization

Check List for Use of the Wrap

Shift Commander Videotape Briefing

Room Entry Debriefing

Specialized Housing:

Segregation Prior to Hearing

Notice to Resident of Consideration for Placement on Segregated Housing

Segregation Daily Activity Form

OFFENDER MANAGEMENT

Orders:

Adjudicatory

Bails/Bond Set

Capias/Emergency Pick Up Order

Commitment/Placement/Interstate Compact

Continuance/Re-Scheduling Hearing

Criminal Complaint

Detention

Diagnostic

Drug Court

Habeas Corpus

Juvenile Petition

Preliminary Hearing

Programming/Education

Referral from Probation

Release Order/Nolle Prosequere

Search Warrant

Summons

Offenders

Previous Psychological Evaluations

Current Signed Psychological Evaluations

Movements:

Transport Orders

COUNSELING

Assessments

Abel

A-DES

AIM - 2

AOD SCREENING

ASAP-20

ASI

BDI-II

CAFAS

CANS

CAPS

CASEY Life Skills

Clinical Polygraph Authorization

Collateral Interview

Drug Court Assessment

ERASOR

HAS

Incomplete Sentence blank

In-Program Behavioral Assessment

JASAE

JESNESS

J-SOAP

KBIT – II

LEC

MAYSI – II

MMPI

MMPI-A

MSE

MSI

PCL-C

PIY

RADS - 2

SASSI

SAVRY

SVAS

WISC

Woodcock Johnson

LS/CMI or YLS/CMI:

LS/CMI Interview Guide

LS/CMI Profile Report

YLS/CMI Interview Guide

YLS/CMI Profile Report

Interactions:

Authorization for Medical Treatment or Service

Birth Certificate

Certificates

Collateral Information from Other Agencies/Providers

Completed Offender Information Report

Confidentiality Agreement

Drug Court Summary

Educational Information

Exit Survey
Food Tray Inventory
Humanitarian Request Form
MDT Notice
Non-Residential Discharge Letter/Summary
Non-Residential Intake Meeting
Notice of Administrative Transfer
Observation Form
Parent/Guardian Letter/Questionnaire
Pass/Furlough/Off Campus Visit sign-out
Phase Actuarial Form
Probation Report/PSI/Social History
Placement Referral Letter
Receipt and Release Receipt of Personal Property
Release of Information (all forms)
Report Cards
Resident Rights Form
Security Daily Activity Forms – forms before 9/18/2013
Segregation Prior to Hearing – forms before 9/18/2013
Social Summary
Special Request (w/resident and Dir./Sup. Signature/date)
Suicide Consultation Form

Mental Health

Suicide Watch Authorizations
 Resident Consultation Team Form
Reassessment/Change in Suicide Observation Levels
 Resident Consultation Team Form
 Interview of Suicide Ideation Intent

Information required to be entered into OIS

Facility Management

Resident Grievances
Incident Reports
Disciplinary Hearings/Violations/Sanctions/Continuous
Resident Hearing Reports (Notice of Hearing, Incident Report, Waiver and Segregation Prior to Hearing form will be uploaded)
Resident Related Non-Category Incident Reports Summary
Specialized Housing assignments/changes
Bed Assignments
Resident Grievances
Drug tests

Offender Management

Bookings
Suicide Assessment
Court orders
Detainers
Charges
Aliases
Interactions (documents sent/received, phone calls, collateral information received, resident mail)
Movements
Bed Assignments
PREA Training
Phase Levels

Contact Management

Contacts
Visitors
Visits

Counseling

Treatment Information Record:

Case management

Assessment Scores
Psychosocial
COE Form (Detention only)
LS/CMI
YLS/CMI
Individual Treatment/Service Plan
Case Management Plan and Reviews
Mental Health Screening (Intake)
Interactions (documents sent/received, phone calls, collateral information received, resident mail)
Individual Counseling Notes
Group Counseling Notes
Progress Behavioral Report (Detention only)
Classification of Residents (commitment only)
Progress Letter (as sent to the courts, Corrections only) (Regular and Sex Offender)
Rubenstein Center Referral (Rubenstein Center Only)
Referral Decisions (Rubenstein Program only)
Classification Scoring Table (work crews and Rubenstein Center Referrals)
Behavior Modification Plan/Contracts
Aftercare Pre-Release Plan (Rehabilitation only)
Intent to Release (commitment only)

Mental Health

Suicide Authorization
Suicide Reassessment
Suicide Special Management Plan
Suicide Intake Form
Referral for Psychological
Referral for Individual Therapy
Psychiatric Referral (place on psych-line)
Wellness Center Referral (Commitment only)
Comprehensive Diagnostic Packet (Diagnostic Only)

Mental Health Provider

Mental Health Assessment (Commitment only)
Psychological Evaluations
Therapy Discharge Form

Aftercare

Progress Review (Aftercare only)
Outcome Measures (Aftercare only)
Re-entry Interview (Aftercare only)
Aftercare Post-Release Plan (Non-Residential only)

Jobs

Community Services

WVDJS – COMMUNITY BASED SERVICES FILE SPECIFICATIONS

Section 1 - Admission Information & Consents

Enter into OIS

DJS Offender Information Report (*can be printed out of OIS if needed*)
Student PREA Training
Medical Information & Emergency Contacts
Self-Administering Medication to participants
Phase Levels

Upload Document into OIS

Participant Rules and Rights
Program Referral
Consent to Exchange Information
Audio/Video Recording Consent
PSIMED Limits of Confidentiality/Consent – show how to do
Understanding of Alternative Transportation
Computer Use Agreement

Section 2 – Legal Correspondence

Enter into OIS

Court Orders

Upload Document into OIS

Discharge Summary (*will be a form in OIS soon, upload to interactions until then*)
Exit Survey – (*will be a form in OIS soon, upload to interactions until then*)
Progress Reports to Service Providers (*will be a form in OIS soon, upload to interactions until then*)
Initial Assessments Report (*will be a form in OIS soon, upload to interactions until then*)
Collateral Information from other Agencies/Providers (MDT notices, terms of probation, school reports, etc.)
Court Orders (uploaded to the Order you create in OIS)

Section 3 – Case Management

Enter into OIS

Case Management Notes

Upload Document into OIS

Outside Referrals & Recommendations for Additional Services (Added JD# after charges)
Collateral Information from other Agencies/Providers

Section 4 – Assessments

Enter into OIS

YLS/CMI
Psychosocial
CAFAS
JASAE
Other completed assessments (such as SASSI, CAGE, Becks, Wechsler's, K-Bit, psychological etc.)

Upload Document into OIS

YLS/CMI (scoring sheet on top of actual assessment form to the YLS/CMI you created in OIS)

Parent Questionnaire (Create Interaction and upload Document to Interaction)

CAFAS (To the Assessment that you created in OIS)

JASAE (To the Assessment that you created in OIS)

Other completed assessments (SASSI, CAGE, Becks, Wechsler's, K-Bit, psychological etc.) (To the Assessment that you created in OIS)

Section 5 – Treatment Planning

Enter into OIS

Case Management Plan (The Case Management Plan is to be updated routinely and this acts as the Review)

Initial Service Plan

Upload Document into OIS

Behavior Management Plans/Behavior Contracts (*will be a form in OIS soon, upload to interactions until then*)

Section 6 – Programs & Therapeutic Services (this section will be sub-divided with tabs)

Enter into OIS

Individual Counseling Notes (includes PSIMED Therapy Notes and Refusal of Services)

Upload Document into OIS

Community Treatment Provider Notes (if outside services are utilized)

Section 7 – Drug Screening Information

Enter into OIS

Drug Screens

Voluntary Admission/Refusal

Positive Drug Screen Results

Upload Document into OIS

Positive Drug Screen Results (if documentation is provided is to be uploaded to that Offender's Drug Screen)

Section 8 – Daily Observation Reports

Enter into OIS

Incident Reports

Upload Document into OIS

Documentation for Absences (Doctors slips, parent notes, etc) (Upload Documentation to the Interaction you created in OIS)

REQUEST FOR RELEASE OF RECORDS

I, _____, (print name) hereby request the West Virginia Division of Juvenile Services to provide a complete copy of any and all records for _____ (name of juvenile) that may be in the custody of the Division of Juvenile Services, including records from third party sources which have been made part of the DJS record. This consent and release applies to any and all juvenile records of any kind, at any Division of Juvenile Services location.

I hereby release the West Virginia Division of Juvenile Services from any and all liability for any damages whatsoever which have or may occur as a result of the Division's compliance with this authorization and request for information or attempt to comply with it.

Signature

Relationship to Juvenile

Juvenile's Date of Birth

Juvenile's Social Security Number

Taken, subscribed and sworn to before me this _____ day of _____,
20____.

My commission expires: _____.

Notary Public

Date Requested: _____

Request good for one (1) year from date requested.